

From: Phil
To: Microsoft ATR
Date: 1/24/02 5:38pm
Subject: Proposed Microsoft settlement

To whom it may concern,

I am firmly opposed to the proposed settlement as it currently stands.

Should a bank robber be allowed to keep the money if he promises not to rob any more banks? I think not.

Should Microsoft be allowed to keep their illegal gotten gains if they promise not to do it any more? I think not.

I do not see anything in the proposal that addresses this. Not having anything in the proposal to address this seems to send a message to the public that crime pays.

You could make them pay a fine of three or four billion dollars and put it in the telecommunication fund that is wiring up all of the public schools and libraries. This would reduce/eliminate the monthly charge that all people are now paying on their phone bill.

Microsoft should be forced to open up their APIs and/or be made to make their applications import/export files using open standards as defined by W3C, IETF, etc. For example: Microsoft Word should be made to export and import files using W3C defined HTML and also standard ASCII. Microsoft Powerpoint should be made to export and import from PDF and Postscript.

Opening up the file formats will enhance the overall business community by allowing seamless interaction among everybody. This will greatly benefit the public.

Regarding Section III J 1: Please do not allow Microsoft to be the one to judge if an API is security related, otherwise they will use this to unfair advantage "in the name of security".

Nobody said creating an equitable settlement would be easy, however the stakes here are enormous and the outcome will impact the public for decades to come.

If you do decide to come up with additions to the settlement and come to a point where you cannot decide between a lenient or harsh penalty I would suggest that you favor the harsh penalty because you can bet that Microsoft will be paying top dollar to their lawyers to find ways around that penalty.

Sincerely,

Phillip Bunch
Maryland Heights, Mo.